

**CHAPTER 7:02**

**LIMITATION ACT**

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Action on bill of exchange, etc.
4. Action by ward against guardian.
5. Action against executor, etc.
6. Action for movable property, salary or goods.
7. Action for wages.
8. Action for damages (except for libel and slander).
9. Action for libel or slander.
10. Fresh accrual of action on acknowledgement or part payment.
11. Right of heir, etc., to bring action in case of a person entitled dying.
12. (1) Time not to run in certain cases of absence, or disability from minority, coverture, insanity, etc.  
(2) Running of limitation when begun.
13. Effect on term of limitation of judgment for defendant in action.
14. Application of the Act to set-off and counter-claim.
15. Non-application of the Act to certain matters and things specified.

1929 Ed.  
c.184  
1953 Ed.  
c. 26

**An Act to alter and amend the Laws relating to the Prescription of certain Actions and Claims.**

1 of 1856

[24TH SEPTEMBER, 1856]

1. This Act may be cited as the Limitation Act.

Short title.

## LAWS OF GUYANA

4

Cap.7:02

Limitation

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- Interpretation                    **2.** In this Act, the word “writing” means any document wholly written, or wholly printed, or partly written and partly printed.
- Action on bill of exchange, etc.                    **3.** Every action and suit upon any bill of exchange, promissory note, or other writing not relating to lands or immovable property or the produce thereof, shall be brought within six years next after the time at which the amount claimed in respect of that bill, note, or other writing has become due.
- Action by ward against guardian.                    **4.** Every action and suit by any ward against his guardian shall be brought within six years next after the time when the ward has attained majority.
- Action against executor, etc.                    **5.** Every action and suit against any executor, attorney, or agent, to render accounts, shall be brought within four years next after the time when the executor, attorney, or agent has ceased to act in that capacity.
- Action for movable property, salary or goods.                    **6.** Every action and suit for any movable property, or upon any contract, bargain, or agreement relating to movable property, or to recover money lent without written acknowledgement or upon any account or book debt, or to recover any salary or the value of any goods sold and delivered, shall be brought within three years next after the cause of action or suit has arisen.
- Action for wages. [43 of 1955]                    **7.** Every action and suit for the wages of labourers, artisans, or servants shall be brought within six years next after the time when the wages have become due.
- Action for damages (except for libel and slander).                    **8.** Every action and suit for any illegal or excessive levy, injury to property, whether movable or immovable, assault, battery, wounding or false imprisonment, and every other action or suit in which damages may be recovered (save and except for libel or slander) shall be brought within three years next after the cause of action or suit has arisen.
- Action for libel or slander.                    **9.** Every action and suit for any libel or slander shall be brought within one year next after the libel is published or the words are spoken.

**10.** (1) Where any right of action has accrued to recover any debt or other liquidated pecuniary claim, and the person liable or accountable therefor acknowledges the claim or makes any payment in respect thereof the right shall be deemed to have accrued on and not before the date of the acknowledgement or the last payment.

Fresh accrual of action on acknowledgement or part payment.  
[54 of 1952]

(2) Every such acknowledgement as aforesaid shall be in writing and signed by the person making the acknowledgement.

(3) Any such acknowledgement or payment as aforesaid may be made by the agent duly authorised in writing of the person by whom it is required to be made under this section, and shall be made to the person or to an agent of the person whose claim is being acknowledged or in respect of whose claim the payment is being made.

(4) An acknowledgement of any debt or other liquidated pecuniary claim shall bind the acknowledged and his successors but not any other person.

(5) A payment made in respect of any debt or other liquidated pecuniary claim shall bind all persons liable in respect thereof:

Provided that a payment made after the expiration of the period of limitation prescribed for the bringing of an action to recover the debt or other claim shall not bind any person other than the person making the payment and his successors.

(6) In this section the expression "successor" in relation to any person liable in respect of any debt or claim means his personal representative and any other person on whom the liability in respect of the debt or claim devolves, whether on death or insolvency or the disposition of property or otherwise.

**11.** (1) Where there has accrued to the personal representative of the estate of a deceased person any right of action, before the expiration of a period of limitation, the action may be brought at any time before the expiration of one year from the date when such person died, notwithstanding that the period of limitation has expired.

Right of heir, etc., to bring action in case of a person entitled dying.  
[54 of 1952]

LAWS OF GUYANA

(2) Where any right of action has accrued against any person who dies before the expiration of a period of limitation, the action may be brought against his personal representative if the liability devolves on such representative, at any time before the expiration of one year from the date of the grant of probate or letters of administration, notwithstanding that the period of limitation has expired.

Time not to run in certain cases of absence, or disability from minority, coverture, insanity, etc.

**12.** (1) With respect to the terms of limitation provided by this Act for actions or suits, if, at the time of the right of action of suit accruing, the defendant is absent without ever having been in Guyana, or without ever having had an attorney or agent to represent him therein, or if, by reason of the minority, or coverture, or insanity of the plaintiff or of the defendant, or if, by reason of any Act in force in Guyana forbidding actions or suits in certain circumstances, either party is disabled from bringing or defending the action or suit, the period of limitation of the action or suit shall begin to run in every such case from the time when that absence from Guyana or that disability has ceased.

Running of limitation when begun.

(2) When the absence or disability has ceased, and the term of limitation has thereupon commenced to run, no new absence or other disability shall be allowed to prevent that term from being completed.

Effect on term of limitation of judgment for defendant in action.

**13.** If any action or suit hereinbefore specified is brought within the term of limitation in that behalf limited, and judgment therein is given for the defendant, the period during which that action or suit is pending shall not be reckoned as forming part of the term of limitation .

Application of the Act to set-off and counter-claim. [54 of 1952]

**14.** For the purposes of this Act any claim by way of set-off or counter-claim shall be deemed to be a separate action and to have been commenced on the same date as the action in which the set-off or counter-claim is pleaded.

Non-application of the Act to certain matters and things specified.

**15.** Nothing in this Act shall in any way affect the rights of the State or apply or extend to—

- (a) any right, title, or interest, to or in lands or immovable property; or
- (b) any servitude or easement; or

**LAWS OF GUYANA**

*Limitation*

**Cap. 7:02**

7

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- (c) any mortgage, whether written, tacit or legal; or
  - (d) any judgment; or
  - (e) any bond, bill, note, or other evidence of debt issued by any bank, corporation or by or on behalf of the Government; or
  - (f) any claim now or hereafter to be filed against the proceeds of any estate in the registry of the Supreme Court; or to any balance of any closed estate, or to any unclaimed dividend, now or hereafter to be deposited in the Treasury.
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